

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELEVATION HEALTH LLC,

Plaintiff,

-v-

SUN GROUP PARTNERS LLC,

Defendant.

22 Civ. 10155 (PAE)

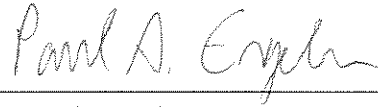
ORDER

PAUL A. ENGELMAYER, District Judge:

Plaintiff Elevation Health LLC (“Elevation Health”) has filed a proposed certificate of default as to defendant Sun Group Partners LLC (“Sun Group”), a limited liability company. Dkt. 7. Upon review of Elevation Health’s affidavit of service, service of process upon Sun Group appears insufficient. Federal Rule of Civil Procedure 4(e) permits service of process to be made in accordance with applicable state law where service is made. Here, the affidavit of service indicates that service was made on Sun Group by certified mail. Dkt. 6. That method, however, does not appear to accord with Florida rules for service of process. Neither Fla. Stat. § 48.031, governing service of process generally, nor Fla. Stat. § 48.062, governing service of process on limited liability companies, permits service of process by certified mail.

The Court orders Elevation Health to file, no later than March 27, 2023, proof of service that is consistent with applicable laws or a letter explaining why its original service on Sun Group was proper.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

PAUL A. ENGELMAYER
United States District Judge

Dated: March 17, 2023
New York, New York